

Remarks

This is in response to the Office Action dated August 30, 2005. This Office Action issued a Restriction Requirement, indicating that the present application contains patentably distinct species of the claimed invention corresponding to figures 1, 2 and 4. Accordingly, the Office Action required election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants hereby identify the following groupings of claims:

Group I (claims 1-32); and

Group II (claims 33-37).

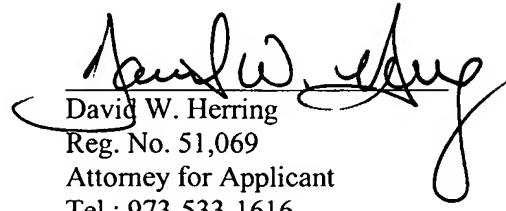
Applicants provisionally elect Group I for further prosecution in the present application. Independent claims 1 and 22 of Group I correspond to figure 1. Independent claim 33 corresponds to figure 2. Applicants hereby cancel claims 33-37 (Group II). Applicants reserve the right to present any canceled or withdrawn claims in a separate patent application or in the present application should such presentation be appropriate.

Applicants traverse the Restriction Requirement. Applicants assert that the embodiment of figure 1 is generic with respect to the embodiments represented in figures 2 and 4. In particular, figure 1 shows a modulator, a semiconductor laser (laser diode), a photodetector and an optical midpoint controller. The optical midpoint controller of figure 1 has a forward bias current controller and a sampler. Various flows between these components are also shown. Figure 2 shows the same components as figure 1, adding an extinction ratio controller and information flows between the components of figure 1 and the extinction ratio controller. Figure 4 shows a more detailed view of the components of figure 2, and an embodiment of the information flows between those components. Accordingly, since figure 1 is generic to figures 2 and 4, any claims corresponding to figure 1 are generic to claims corresponding to claims 2 and 4.

Therefore, for the foregoing reasons, the identification by the Office Action of three wholly independent species, as represented by figures 1, 2 and 4, with no generic embodiment, was incorrect. Specifically, as stated above, figure 1 is generic to figures 2 and 4. Figure 2 is, in turn, generic to figure 4. Group I claims 1 and 22 are directed to generic figure 1 and Group II claim 33 is directed to figure 2. Accordingly, claim 1 is a generic claim with respect to claim 33. Therefore, the Restriction Requirement, indicating that there are three independent species of the present invention, as represented by figures 1, 2 and 4, is improper.

Allowance of all pending claims is requested.

Respectfully submitted,


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